

**OPINION
57-166**

October 4, 1957 (OPINION)

SCHOOL DISTRICTS

RE: Annexation - Petitions - Qualified Signers

In your letter of October 3, 1957, you state that our school laws provide that a petition seeking to attach territory from a common school district contiguous to a special school district may be attached if said petition is "signed by two-thirds of the electors of the contiguous territory" etc. (Section 15-2714, 1943 Code).

You ask whether the following described landowners or renters in the contiguous territory can be considered electors who could legally sign such petition:

1. A landowner who resides and votes in the city which has the central school in the special school district.
2. A landowner who resides and votes outside of the district but farms his own land.
3. A landowner who resides and votes outside of the state.
4. The tenant resides and votes outside of the district.
5. The tenant resides and votes in the district but does not reside on any of the contiguous territory included in the annexation petition.
6. Lives in district outside of area to be annexed but farms land in area to be annexed.

Webster defines an elector as "one who elects, or a person entitled to vote."

The courts have invariably held that an elector is one entitled or qualified to vote, so to be entitled to sign a petition under the terms of section 15-2714 of our code a person must be a voter in the contiguous territory sought to be annexed.

We do not believe that any of the persons above described qualify as electors in the area sought to be annexed and therefore none of them qualify as petitioners under section 15-2714 of the 1943 Code.

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Attorney General